

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITIBANK, N.A.,

Plaintiff,

No. 20 Civ. 06539 ([JMF](#))

v.

BRIGADE CAPITAL MANAGEMENT, LP,

Defendant.

**{PROPOSED} ORDER TO SHOW CAUSE FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION AGAINST BRIGADE**

WHEREAS, the Court having considered Plaintiff Citibank, N.A.’s (“Citibank”) Memorandum of Law Support in Support of Citibank’s Application for a Temporary Restraining Order and Preliminary Injunction (the “Application”) against Defendant Brigade Capital Management, LP (“Brigade”), together with the supporting Declarations of Mitali Sohoni, Brendan Zeigon, and Matthew Ingber (the “Declarations”), as well as the record and proceedings to date in the above-captioned action.

IT IS HEREBY ORDERED that Citibank’s Application is **GRANTED** in its entirety. It is hereby further **ORDERED** that:

1. Defendant must appear before The Honorable Jesse M. Furman, District Judge, United States District Court for the Southern District of New York, on August 31, 2020, at 10 a.m./p.m., in the United States Courthouse, ~~500 Pearl Street~~/40 Foley Square, New York, New York 10013, and show cause (the “Show Cause Hearing”) as to why the Court should not enter an Order, pursuant to FED. R. CIV. P. 65(a), that:

- a. Preliminarily requires Brigade to remit to Citibank funds in the amount of \$174,651,497.63, pending a final determination on the merits in this action; or, in the alternative, that
- b. Preliminary enjoins Brigade, its officers, agents, employees, successors, and all those in active concert or participation with them from removing, withdrawing, transferring, assigning, or otherwise disposing of the 174,651,497.63 mistakenly transferred to Brigade by Citibank on August 11, 2020, pending a final determination on the merits in this action.

3. Sufficient reason having been shown therefor, from the date of this Order, through and including the date of the Show Cause Hearing, Brigade, its agents, servants, employees, officers and all persons and entities in active concert and participation with them, are hereby temporarily restrained, pursuant to FED. R. CIV. P. 65(b), from engaging in any of the acts and/or conduct described in Paragraph 1(b) of this Order.

3. Pursuant to this Court's equitable powers and discretion, Citibank need not post a bond.

4. ~~Citibank and/or its authorized representative(s) must serve a copy of this Order, together with Citibank's Memorandum of Law, and the Declarations, in Support of Citibank's Application, on Brigade and/or Brigade's registered agent via personal service, email, and/or First Class Mail at 399 Park Avenue, Suite 1600, New York, NY 10022, on or before August _____, 2020 at _____ a.m./p.m. The foregoing shall constitute proper service and notice of this Order.~~

5. This Court shall retain jurisdiction to hear and determine all matters arising out of, relating to, and/or otherwise concerning the interpretation and/or enforcement of this Order.

SO ORDERED this 18th date of August, 2020



United States District Judge

The Court will hold a telephone conference tomorrow, **August 19, 2020, at 10:00 a.m.** to discuss next steps, including a briefing schedule on the request for a preliminary injunction; whether discovery is needed; whether a hearing is likely; in the event a hearing needs to be held, whether it can or should be conducted remotely; and whether the Court should consolidate trial on the merits. The conference can be accessed using the same call-in information as this morning; that is, members of the public should use the information set forth in the Court's order of last night, while counsel should use the information provided to them by email.